

Appl. No. 09/654,253
Amendment dated January 18, 2005
Reply to Final Office Action of November 17, 2005

Remarks/Arguments

Claims 1-20 are pending and stand rejected on varying grounds under §112, first paragraph, and section 103(a). The specification has been objected to because of informalities. Claim 4 and 12 and the specification have been amended to resolve §112 matters. No new matter has been added by any of these amendments. In view of the comments below, Applicant respectfully requests that the Examiner enter these amendments, reconsider the present application including claims 1-20, withdraw the rejection of these claims, and move this application to allowance.

a) The specification is objected to because of informalities, specifically incorporation by reference of material other than a US patent or pending US application. In view of the amendments to the specification incorporating a portion of the referenced material and enclosed declaration by Applicant's representative so signifying, Applicant respectfully submits that this objection has been traversed. Applicant also notes that a clerical error has been discovered/corrected in the citation for the IEEE paper, specifically IEEE ICMTS, 2000 has been corrected to read IEEE IEDM, 1999.

b) Claims 1-20 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In view of the amendments to the specification as well as claim 4 and 12, Applicant

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respectfully submits that the rejection of claims 1-20 under 35 U.S.C. 112, first paragraph have been traversed and thus respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-20.

c) Claims 1-6 and 8-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,560,755 B1). Zhang et al qualifies as a reference, if at all, only under 35 U.S.C. 102(e), i.e. "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent ..." In view of the enclosed Rule 1.131 Declaration duly signed by the Applicants, the present invention was conceived and due diligence was exercised from a date prior to August 24, 2000, the effective date of Zhang et al. Thus Applicant respectfully submits that Zhang et al is not a proper reference to support a rejection of claims 1-6 and 8-20 under 35 U.S.C. 103(a) since Zhang et al was filed after the invention by the Applicants. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-6 and 8-20 under 35 U.S.C. 103(a) based on Zhang et al. (U.S. Patent No. 6,560,755 B1).

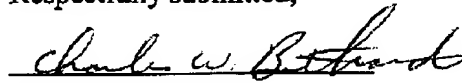
d) Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Zhang et al. (U.S. Patent No. 6,560,755 B1) in view of Hussey (U.S. Patent No. 5,826,269). See the discussion above at c). Since Zhang et al, given this references effective date is not a proper reference to support this §103(a) rejection of claim 7, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

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Accordingly, Applicant respectfully submits that the application, as amended, resolves all issues under §112 and that the claims clearly and patentably distinguish over all appropriately cited references of record and as such are to be deemed allowable. Since no further search or examination is required, such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below. Since this response is being filed within 2 months of the Nov. 17, 2004 Final Office Action (1st business day after January 17, 2005), Applicant anticipates hearing from the Examiner within the ensuing 1 month.

Although it is not anticipated that any fees are due or payable, since the present response is being timely filed within 2 months of the date of the Final Office Action, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully submitted,


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Enclosures:

Rule 1.131 Declaration, Appendix I & II
Power of Attorney, Declaration Under MPEP 608.01(p)

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